

TENTATIVE RULINGS for CIVIL LAW and MOTION

July 6, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Ramos Oil Co., Inc. v. Kang**
Case No. CV CV 08-483

Hearing Date: **July 6, 2009** **Department Fifteen** **9:00 a.m.**

Brentwood American Station's motion to set aside the entry of default against it is **GRANTED**. (Code Civ. Proc., § 473, subd. (b); Levy Declaration filed on May 7, 2009, ¶ 10.)

Kang Property, Inc.'s motion to set aside the entry of default against it is **DENIED WITHOUT PREJUDICE**. The evidence submitted is insufficient to establish mistake, inadvertence, surprise, or excusable neglect for Kang Property, Inc.'s failure to timely file an answer. The fact that Mr. Kang was busy in January, 2009, with his business obligations does not constitute excusable neglect. (*Andrews v. Jacoby* (1919) 39 Cal.App. 382.) Mr. Kang does not describe the nature of his illness in February, 2009, nor show that because of such illness he was unable to consult an attorney or cause a response to the complaint to be timely filed for Kang Property, Inc.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Wells Fargo Bank, N.A. v. Forehand**
Case No. CV CV 08-1196

Hearing Date: **July 6, 2009** **Department Fifteen** **9:00 a.m.**

The unopposed motion for an assignment order is **GRANTED**. (Code Civ. Proc., § 708.510.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.